

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BIOMEDINO, LLC,

Plaintiff,

v.

WATERS CORPORATION, *et al.*,

Defendants.

Case No. C05-0042L

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

On or about November 22, 2005, the Court issued an order construing the claims of the '502 patent. Plaintiff filed a timely motion for reconsideration and has challenged the Court's finding that the term "control means" is indefinite.

Motions for reconsideration are disfavored in this district and will be granted only upon a "showing of manifest error in the prior ruling" or "new facts or legal authority which could not have been brought to [the Court's] attention earlier without reasonable diligence." Local Civil Rule 7(h)(1). Plaintiff has not met this burden. Regardless of the characterization of the Kirk-Othmer and Kitchen references, the Court properly determined that the "control means" element is subject to the means-plus-function analysis, that no "corresponding structure, material, or acts [are] described in the specification and equivalents thereto" (35 U.S.C. § 112, ¶ 6), and that claims 13-17 and 40 are therefore invalid for indefiniteness. Plaintiff's motion for reconsideration is DENIED.

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

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2 DATED this 10th day of January, 2006.

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4 Robert S. Lasnik
5 United States District Judge
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